

EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
Ether ("MTBE") :
Products Liability :
Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

October 30, 2008

CONFIDENTIAL Videotaped
Deposition of IAN HURLEY, Ph.D.,
30(b)(6) witness on testing and
sampling, held in the law offices of
McDermott, Will & Emery, 340 Madison
Avenue, New York, New York, beginning at
approximately 9:53 a.m., before Ann V.
Kaufmann, a Registered Professional
Reporter, Certified Realtime Reporter,
Approved Reporter of the U.S. District
Court, and a Notary Public.

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<p>1 MR. GREENE: Fine. Sure.</p> <p>2 BY MR. STACK:</p> <p>3 Q. With regard to volatile</p> <p>4 organic data, that database would</p> <p>5 include volatile samples from Jamaica</p> <p>6 Water System wells during the time you</p> <p>7 were sampling them?</p> <p>8 A. Yes, it would.</p> <p>9 Q. And it is maintained in a</p> <p>10 system apart from the Laboratory</p> <p>11 Information Management System?</p> <p>12 A. It is.</p> <p>13 Q. And that system is referred</p> <p>14 to or called what?</p> <p>15 A. It's -- well, it is called</p> <p>16 the organic server.</p> <p>17 Q. And the organic server has</p> <p>18 been in existence since you have been</p> <p>19 with the department?</p> <p>20 A. No.</p> <p>21 Q. When was it created?</p> <p>22 A. Some time in the middle,</p> <p>23 late '90s.</p> <p>24 Q. And at the time it was</p>	<p>1 installed.</p> <p>2 Q. And with respect to data</p> <p>3 generated in the lab, is it recorded in</p> <p>4 the Excel system for organics</p> <p>5 automatically or is it entered manually?</p> <p>6 A. Neither.</p> <p>7 Q. How is it entered into the</p> <p>8 Excel database?</p> <p>9 A. It is cut and pasted from</p> <p>10 the custom report generated by the</p> <p>11 Excel -- by the instrument, by the</p> <p>12 Agilent software, from that custom</p> <p>13 report into the Excel system.</p> <p>14 Q. And in addition to the</p> <p>15 custom report of results being pasted</p> <p>16 into Excel, does the laboratory also</p> <p>17 paste in the QA/QC data?</p> <p>18 A. The QA/QC data is</p> <p>19 transferred at the same time.</p> <p>20 Q. And with regard to the</p> <p>21 organics database, does it also contain</p> <p>22 distribution samples which have been</p> <p>23 subjected to organic analysis?</p> <p>24 A. Yes.</p>
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<p>1 created, it was created using what</p> <p>2 software?</p> <p>3 A. It's an Excel database.</p> <p>4 Q. And with respect to that</p> <p>5 Excel database, does the Excel database</p> <p>6 for organics contain all the results for</p> <p>7 the sample and testing of Jamaica Water</p> <p>8 System wells taken over by the City?</p> <p>9 A. It contains results of all</p> <p>10 the samples tested and all the QCs</p> <p>11 associated with it.</p> <p>12 Q. And who is the database</p> <p>13 manager for that Excel system?</p> <p>14 A. The -- this is</p> <p>15 the responsibility -- well, let me step</p> <p>16 back. There is not a database manager</p> <p>17 for that system. The server is</p> <p>18 under his -- care and feeding the server</p> <p>19 is the responsibility of Dr. Lin Lu.</p> <p>20 Q. And how long has she --</p> <p>21 A. He.</p> <p>22 Q. He. -- had that</p> <p>23 responsibility?</p> <p>24 A. Since the server was</p>	<p>1 Q. And with regard to the</p> <p>2 organic database, would it also contain</p> <p>3 any analysis of samples obtained from a</p> <p>4 complaining customer's tap where they</p> <p>5 have registered a complaint and demanded</p> <p>6 testing of their water?</p> <p>7 A. Yes, it would.</p> <p>8 Q. And with regard to that</p> <p>9 database, does it have a field which</p> <p>10 distinguishes the sample source to</p> <p>11 identify which samples came from potable</p> <p>12 wells, the distribution system, and/or</p> <p>13 from a complaining customer's tap?</p> <p>14 A. It would be able to</p> <p>15 distinguish samples taken from any of</p> <p>16 our regular sampling sites.</p> <p>17 Q. And with respect to a</p> <p>18 descriptor, does that also contain a</p> <p>19 descriptor to indicate where samples are</p> <p>20 duplicates or blanks?</p> <p>21 A. There would be somewhere in</p> <p>22 the database an indication that the</p> <p>23 sample is a duplicate or a blank.</p> <p>24 Q. In your career working in</p>

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<p>1 the laboratory for the City of New York, 2 can you ever recall any instance where 3 you have become aware of the detection 4 of MTBE in a complaining customer's tap 5 water? 6 A. I'm not aware of that. 7 Q. In your career with the 8 City of New York, can you recall any 9 instance where the City undertook a 10 testing program to analyze distribution 11 samples for MTBE in response to customer 12 taste and odor problems? 13 MR. GREENE: I just object 14 for one -- 15 Ian, don't answer that. 16 Okay. You can answer. 17 BY MR. STACK: 18 Q. Do you want that read back 19 to you, Doctor? 20 A. Yes, please. 21 (The court reporter read the 22 record as follows: 23 "QUESTION: In your career 24 with the City of New York, can you</p>	<p>1 or two instances where the complaint 2 supervisor requested testing, as you sit 3 here today, can you indicate to us 4 whether MTBE was detected in any of 5 those samples? 6 MR. GREENE: I'm going to 7 object and ask a minute to speak to my 8 client, because a letter was sent in 9 advance of this deposition to identify 10 testing instances that -- specific 11 testing instances that were going to be 12 asked about here today. Tap samples 13 were not on that list. 14 And I'm not saying -- I 15 don't want to create any hurdles, but he 16 has been extensively prepared on the 17 samples that were identified in that 18 letter, but there's other samples out 19 there that were not in that letter 20 which, you know, we did not focus on 21 specifically because of it. So I -- 22 MR. STACK: Do you want to 23 confer with the witness? I'll -- even 24 though there is a question pending, go</p>
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<p>1 recall any instance where the City 2 undertook a testing program to analyze 3 distribution samples for MTBE in 4 response to customer taste and odor 5 problems?" 6 THE WITNESS: We have on one 7 or two occasions at the request of the 8 complaint supervisor taken samples 9 because someone complained of a smell or 10 an odor associated with the water. 11 BY MR. STACK: 12 Q. And in those one or two 13 instances, can you recall, as you sit 14 here today, whether the City ever 15 detected MTBE in the water supply to the 16 complaining customer's tap? 17 A. We did not find any unusual 18 compounds not seen normally in drinking 19 water. 20 Q. And would you include MTBE 21 as one of the compounds that you would 22 identify normally in drinking water? 23 A. No. 24 Q. With respect to those one</p>	<p>1 right ahead. 2 MR. GREENE: I will let him 3 answer this question, but I just want 4 to -- I want to note that for the record 5 that those -- the consumer tap sample 6 testing results were not on that letter 7 which was -- and the entire purpose of 8 that letter was to identify specific 9 sampling events that we were going to be 10 asked about today. 11 MR. STACK: And you are 12 referring to -- 13 MR. GREENE: So -- 14 MR. STACK: -- which letter, 15 Dan? 16 MR. GREENE: I'm sorry. 17 There was a letter sent on October 21 18 from Malinda to myself at the City's 19 objection, because the City had objected 20 prior to this deposition that we were 21 concerned that due to the extensive 22 number of samples that had been taken by 23 the City -- 24 MR. STACK: Understood.</p>

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<p>1 MR. GREENE: So consumer tap 2 samples are not on there and he has not 3 reviewed records for his deposition 4 relating to consumer tap samples. There 5 is a consumer -- there is a taste and 6 odor deposition upcoming which the City 7 planned to address that. 8 So I'm going to note also 9 for the record that any testimony that 10 he gives regarding consumer tap samples 11 are to the best of his own recollection 12 and not testimony as a 30(b)(6) witness 13 on behalf of the City of New York. And 14 I will -- I won't move to strike, but I 15 will use that as a qualifier for his 16 past several answers on this topic. 17 BY MR. STACK: 18 Q. Based on your personal 19 knowledge, are there any instances where 20 you can recall that the complaint 21 supervisor requested the laboratory to 22 conduct analysis where water supply to a 23 complaining customer complaining of 24 taste and odor problems actually showed</p>	<p>1 Q. And with respect to the 2 database information maintained on LIMS, 3 is that something you access through a 4 stand-alone computer or from your 5 desktop? 6 A. I do not access LIMS. 7 Q. With regard to the 8 volatiles, is there any stand-alone 9 computer system established for the 10 server which maintains all the volatile 11 results? 12 A. The server is a stand- 13 alone -- is a computer server. There 14 are several people who have permission 15 to access files on that server. 16 Q. And I take it as the lab 17 director you have that authority? 18 A. I have that permission. 19 Q. In the course of your job, 20 have you obtained access to test results 21 from potable wells owned or operated by 22 the City which were collected and 23 analyzed by Malcolm Pirnie? 24 A. I have seen a few reports</p>
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<p>1 detection of MTBE? 2 A. I cannot recall any such 3 instance. 4 Q. With respect to the organic 5 database, are you able to access that 6 from the computer you have at your desk? 7 A. Yes, I can. 8 Q. And is there any stand- 9 alone computer which is maintained in 10 the laboratory for purposes of accessing 11 the Lab Information Management System? 12 A. Now, we're talking about 13 accessing the Laboratory Information 14 Management System -- 15 Q. Correct. 16 A. -- or of the database? 17 Q. The Lab Information 18 Management System, then we will talk 19 about the database. 20 A. Okay. There is -- there 21 are some computers in the laboratory 22 which have been set up to access the 23 LIMS system for people who have 24 passwords.</p>	<p>1 from Malcolm Pirnie as part of my 2 preparation, but I'm not an expert on 3 these samples nor do I know them in any 4 detail. 5 Q. On an everyday basis at 6 your job do you have access 7 electronically to data which was 8 generated by or on behalf of Malcolm 9 Pirnie testing water wells in Queens? 10 A. No. 11 Q. With respect to Malcolm 12 Pirnie, you indicated that you looked at 13 certain reports. And reports, you are 14 referring to an Access database? 15 A. Yes. And in one case to 16 a -- or perhaps two cases at actual 17 laboratory summary reports, which were a 18 part of the disclosure that's been made 19 available to me. 20 Q. And the lab summary reports 21 pertained to sampling of what sample 22 point? 23 A. I do not recall. We looked 24 at a number of them. There -- it would</p>

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